

REMARKS/ARGUMENTS

Claims 1-5, 7-9, and 15-18 are pending in this application. Claims 1-5, 7-9, and claim 15 stand rejected, and claim 16 is allowed. Claims 10-14 are withdrawn from consideration. Claim 1 has been amended. Applicants respectfully submit that each of the pending claims is in condition for immediate allowance.

Claims 1-5, 7-9, 15 and 17-18 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,738,388 (Bienek) in view of U.S. Patent No. 4,673,814 (Schroeder). Applicants request reconsideration and withdrawal of this rejection for the following reasons.

The cited combination of Bienek and Schroeder fails to disclose:

a metal cover having an axis coaxial with said central axis of said body and at least one end wall parallel to said central axis to be positioned at said top axial end of said body facing said at least one end face of the axial wall of said body, the at least one end wall having a face parallel to the end face of the axial wall; ... and

producing a continuous penetrative weld over an entire thickness of both the end face of the at least one axial wall of the metal body and the face of the at least one end wall of the metal cover and around an entire periphery of said cover and said body at the ends of their respective walls which are maintained in contact.

As explicitly recited above, amended claim 1 requires the end wall of the cover and the axial wall of the body to meet at an end face of the axial wall and a face of the of the end wall. In other words, the ends of the metal body and metal cover do not overlap but meet in a butt joint. The butt joint is clearly shown in the present specification at least in Figures 2A-2C. As shown in Figure 2A reproduced below, the cover 2 and body 1 meet at the edge faces of both the axial wall and the end wall. Thus, claim 1 now recites a cover end wall face parallel to the end face of the axial wall (of the body) and that the penetrative weld is over an entire thickness and periphery of the end face of the metal body and the face of the cover.

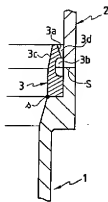


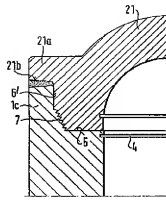
FIG. 2A

As shown in Figure 2A and recited in the claims, each of the cover 2 and body 1 has a respective end surface. These end surfaces meet at a butt joint where a weld S is formed. The weld is a continuous penetrative weld around the entire periphery of the cover and the body at the ends of their respective walls. A "penetrative weld" is a weld produced over the whole thickness of the walls in question. (Specification as filed at p. 3, ll. 11-16). In other words, the weld is formed at the butt joint over the entire mating surfaces, the mating surfaces being perpendicular to the central axis. Claim 1 has been amended to recite that a continuous penetrative weld is formed "over an entire thickness of both the end face of the at least one axial wall of the metal body and the face of the at least one end wall of the metal cover."

As acknowledged in the Advisory Action dated August 17, 2009, Schroeder was only cited for its disclosure of remote controlled welding. Schroeder fails to cure the deficiencies in Bienek discussed below.

As shown in Fig. 2 of Bienek reproduced below, cover wall 21b extends substantially perpendicular to the central axis of the container and is welded to a stepped end face of the body. The cover wall is welded to the body along a length of the cover wall 21b, not at a face of the cover wall as required by claim 1. Further, the weld is not a penetrative weld over the whole thickness of the walls in question. Thus, the claims are patentable over the cited combination.

FIG. 2



Applicants note that none of the embodiments disclosed by either Schroeder or Bienek include the claimed butt joint and penetrative weld. Thus, the combination of Schroeder and Bienek fail to render the pending claims unpatentable.

Applicant has responded to all of the rejections and objections recited in the Final Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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